

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Stephen A. Swedlow (admitted *pro hac vice*)
stephenswedlow@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
(312) 705-7400

HAGENS BERMAN SOBOL SHAPIRO LLP

Shana E. Scarlett (Bar No. 217895)
shanas@hbsslaw.com
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
(510) 725-3000

Interim Co-Lead Consumer Class Counsel

BATHAE DUNNE LLP

Yavar Bathaee (Bar No. 282388)
yavar@bathaeedunne.com
445 Park Avenue, 9th Floor
New York, NY 10022
(332) 322-8835

SCOTT+SCOTT ATTORNEYS AT LAW LLP

Kristen M. Anderson (Bar No. 246108)
kanderson@scott-scott.com
230 Park Avenue, 17th Floor
New York, NY 10169
(212) 233-6444

Interim Co-Lead Advertiser Class Counsel

SONAL N. MEHTA (SBN 222086)

Sonal.Mehta@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

950 Page Mill Road
Palo Alto, California 94303
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

DAVID Z. GRINGER (*pro hac vice*)

David.Gringer@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

Attorneys for Defendant Facebook, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 5:20-cv-08570-LHK

**STIPULATION TO ENTER FIRST
AMENDED FEDERAL RULES OF
EVIDENCE 502(D) CLAWBACK
ORDER**

Judge: Hon. Virginia K. DeMarchi

1 Consumer Plaintiffs, Advertiser Plaintiffs, and Defendant Facebook, Inc. (collectively, the
2 “Parties”), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, the Parties submitted their dispute regarding the terms of a Federal Rules of
4 Evidence 502(d) Clawback Order to the Court for resolution on May 14, 2021 (Dkt. No. 94);

5 WHEREAS, the Court heard argument on the disputed provisions of the 502(d) Clawback
6 Order on May 25, 2021 (Dkt. No. 99);

7 WHEREAS, the Court thereafter resolved the parties’ dispute as to the 502(d) Clawback
8 Order in a June 3, 2021 order requiring the parties to submit a stipulated 502(d) Clawback Order
9 (Dkt. No. 105);

10 WHEREAS, the Parties submitted a stipulated 502(d) Clawback Order on June 11, 2021
11 (Dkt. 106), which the Court entered on June 14, 2021 (Dkt. No. 107);

12 WHEREAS, the Court held a discovery hearing with the Parties on October 26, 2021 and
13 thereafter requested that the parties submit any proposed modifications to the 502(d) Clawback
14 Order (Dkt. No. 171);

15 WHEREAS, the Parties agreed to submit any dispute regarding modifications to the 502(d)
16 Clawback Order to the Court by November 10, 2021 (Dkt. No. 178);

17 WHEREAS, the Parties have, through agreement, resolved all disputes regarding appropriate
18 modifications to the 502(d) Clawback Order;

19 WHEREAS, the Parties have modified the previously entered 502(d) Clawback Order to
20 reflect the resolutions reached by the Parties; and

21 WHEREAS, the Parties jointly and respectfully request that the Court enter the Parties’
22 proposed First Amended Federal Rules of Evidence 502(d) Clawback Order submitted herewith.¹

23 THEREFORE, IT IS HEREBY SO STIPULATED.
24

25
26 ¹ The Parties’ proposed First Amended Federal Rules of Evidence 502(d) Clawback Order is
27 submitted as an attachment to this stipulation. For the Court’s convenience, the Parties have also
28 submitted—as Exhibit A to this stipulation—a redline reflecting the changes between the
previously-entered Federal Rules of Evidence 502(d) Clawback Order and the Parties’ proposed
First Amended Federal Rules of Evidence 502(d) Clawback Order.

DATED: November 10, 2021

Respectfully submitted,

By: /s/ Yavar Bathaee

BATHAEE DUNNE LLP

Yavar Bathaee (Bar No. 282388)

yavar@bathaeedunne.com

Edward M. Grauman (admitted *pro hac vice*)

egrauman@bathaeedunne.com

Andrew C. Wolinsky (admitted *pro hac vice*)

awolinsky@bathaeedunne.com

445 Park Avenue, 9th Floor

New York, NY 10022

(332) 322-8835

Brian J. Dunne (Bar No. 275689)

bdunne@bathaeedunne.com

633 West Fifth Street, 26th Floor

Los Angeles, CA 90071

(213) 462-2772

By: /s/ Kristen M. Anderson

SCOTT+SCOTT ATTORNEYS AT LAW LLP

Kristen M. Anderson (Bar No. 246108)

kanderson@scott-scott.com

230 Park Avenue, 17th Floor

New York, NY 10169

(212) 223-6444

Christopher M. Burke (Bar No. 214799)

cburke@scott-scott.com

David H. Goldberger (Bar No. 225869)

dgoldberger@scott-scott.com

Yifan (Kate) Lv (Bar No. 302704)

klv@scott-scott.com

Hal D. Cunningham (Bar No. 243048)

hcunningham@scott-scott.com

Daniel J. Brockwell (Bar No. 335983)

dbrockwell@scott-scott.com

600 W. Broadway, Suite 3300

San Diego, CA 92101

(619) 233-4565

By: /s/ Stephen A. Swedlow

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Stephen A. Swedlow (*pro hac vice*)

stephenswedlow@quinnemanuel.com

Michelle Schmit (*pro hac vice*)

michelleschmit@quinnemanuel.com

191 N. Wacker Drive, Suite 2700

Chicago, IL 60606-1881

(312) 705-7400

Kevin Y. Teruya (CA 235916)

kevinteruya@quinnemanuel.com

Adam B. Wolfson (CA 262125)

adamwolfson@quinnemanuel.com

Brantley I. Pepperman (CA 322057)

brantleypepperman@quinnemanuel.com

865 South Figueroa Street, 10th Fl.

Los Angeles, CA 90017-2543

(213) 443-3000

Manisha M. Sheth (*pro hac vice*)

manishasheth@quinnemanuel.com

51 Madison Avenue, 22nd Floor

New York, NY 10010

(212) 849-7000

By: /s/ Shana E. Scarlett

HAGENS BERMAN SOBOL SHAPIRO LLP

Shana E. Scarlett (Bar No. 217895)

shanas@hbsslaw.com

715 Hearst Avenue, Suite 202

Berkeley, CA 94710

(510) 725-3000

Steve W. Berman (admitted *pro hac vice*)

steve@hbsslaw.com

1301 Second Avenue, Suite 2000

Seattle, WA 98101

(206) 623-7292

Patrick J. McGahan (admitted *pro hac vice*)
 pmcgahan@scott-scott.com
 Michael P. Srodoski (admitted *pro hac vice*)
 msrodoski@scott-scott.com
 156 South Main Street, P.O. Box 192
 Colchester, CT 06415
 (860) 537-5537

AHDOOT & WOLFSON, PC

Tina Wolfson (Bar No. 174806)
 twolfson@ahdootwolfson.com
 Robert Ahdoot (Bar No. 172098)
 rahdoot@ahdootwolfson.com
 Theodore W. Maya (Bar No. 223242)
 tmaya@ahdootwolfson.com
 Rachel Johnson (Bar No. 331351)
 rjohnson@ahdootwolfson.com
 2600 West Olive Avenue, Suite 500
 Burbank, CA 91505
 (310) 474-9111

LEVIN SEDRAN & BERMAN LLP

Keith J. Verrier (admitted *pro hac vice*)
 kverrier@lfsblaw.com
 Austin B. Cohen (admitted *pro hac vice*)
 acohen@lfsblaw.com
 510 Walnut Street, Suite 500
 Philadelphia, PA 19106-3997
 (215) 592-1500

Interim Counsel for the Advertiser Class

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

W. Joseph Bruckner (admitted *pro hac vice*)
 wjbruckner@locklaw.com
 Robert K. Shelquist (admitted *pro hac vice*)
 rkshelquist@locklaw.com
 Brian D. Clark (admitted *pro hac vice*)
 bdclark@locklaw.com
 Rebecca A. Peterson (Bar No. 241858)
 rapeterson@locklaw.com
 Arielle S. Wagner (admitted *pro hac vice*)
 aswagner@locklaw.com
 100 Washington Avenue South, Suite 2200
 Minneapolis, MN 55401
 (612) 339-6900

Interim Counsel for the Consumer Class

By: /s/ Molly M. Jennings

WILMER CUTLER PICKERING HALE AND DORR LLP

SONAL N. MEHTA (Bar No. 222086)
 Sonal.Mehta@wilmerhale.com
 2600 El Camino Real, Suite 400
 Palo Alto, California 94306
 Telephone: (650) 858-6000

DAVID Z. GRINGER (*pro hac vice*)
 David.Gringer@wilmerhale.com
 7 World Trade Center
 250 Greenwich Street
 New York, New York 10007
 Telephone: (212) 230-8800

ARI HOLTZBLATT (*pro hac vice*)
 Ari.Holtzblatt@wilmerhale.com
 MOLLY M. JENNINGS (*pro hac vice*)
 Molly.Jennings@wilmerhale.com
 1875 Pennsylvania Ave NW
 Washington, DC 20006
 Telephone: (202) 663-6000

Attorneys for Defendant Facebook, Inc.

ATTESTATION OF BRANTLEY I. PEPPERMAN

This document is being filed through the Electronic Case Filing (ECF) system by attorney Brantley I. Pepperman. By his signature, Mr. Pepperman attests that he has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: November 10, 2021

By /s/ Brantley I. Pepperman

Brantley I. Pepperman

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing the document to be electronically served on all attorneys of record.

By /s/ Brantley I. Pepperman

Brantley I. Pepperman